

REMARKS

Claims 1–4, 7–12, 15, 16, 18, and 22–24 are pending in this application. Non-elected claims 15, 16, and 18 are withdrawn from consideration by the Examiner. By this Amendment, claims 1–4, 18, and 22 are amended, and claims 23 and 24 are added. Support for the amendments is discussed below. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

The courtesies extended to Applicants' representative by Examiner Thomas during the telephone interviews held December 4, 2008, January 8, 2009, and January 15, 2009 are appreciated. The reasons presented during the interviews as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

During the interviews, Examiner Thomas indicated that he had conducted searches for SEQ ID NOs: 9, 10, 13, 15, and 16 and has found them all to be free of the prior art. Examiner agreed to search up to four more sequences of the Applicants' choosing. In response, as discussed during the interview, Applicants further elect SEQ ID NOs: 20, 24, 29, and 30, and have amended claims 1, 3, and 4 to SEQ ID NOs: 8–10, 13, 15, 16, 20, 24, 29, and 30. Because SEQ ID NOs: 8–10, 13, 15, 16, 20, 24, 29, and 30 are sequences from either the genus *Streptococcus* or *Enterococcus*, claims 1, 3, and 4 are also amended to delete the recitation of the other genera.

By this Amendment, claim 2 is amended to elected SEQ ID NO: 1, which is from *Streptococcus anginosus*, and to delete the recitation of the other bacteria species.

Moreover, because the previous amendment of claims 1, 3, and 4 from 98.7% homology to 99.3% homology was made because SEQ ID NOs: 33 and 34 have a 99.3% homology, and because those sequences are now deleted from claims 1, 3, and 4, these claims

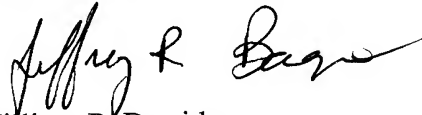
are further amended to revert to a recitation of 98.7% homology. Claims 18 and 22 are also amended to include sequences having 98.7% homology to other specified sequences.

By this Amendment, new claims 23 and 24 are added. Because the claimed sets of oligonucleotides require SEQ ID NO:8, and/or its full-length complement, and/or sequences that are at least 99.3% homologous to SEQ ID NO:8 or its full-length complement, Applicants respectfully submit that claims 23 and 24 are patentable over the prior art. Favorable consideration and allowance of claims 23 and 24 are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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